



Organisation intergouvernementale pour les transports internationaux ferroviaires
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**Commission d'experts techniques
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Committee of Technical Experts**

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Discussion paper

Possible future revision of the ATMF Uniform Rules (Appendix G to COTIF)

1. BACKGROUND

The ATMF Uniform Rules, which form Appendix G to COTIF, govern the procedure for the admission of railway vehicles and other railway material to circulation or use in international traffic. Provisions of this kind were first included in COTIF 1999. Earlier versions of COTIF did not cover these topics.

The core text of the ATMF UR was drafted in the 1990s. The initial concept was that vehicles, freight wagons and passenger coaches in particular could be admitted to international operation by any Contracting State and that this admission permitted the use of these vehicles on the networks of all Contracting States. The concept presumed that vehicles would be standardised, allowing them to be freely exchanged in international traffic between railway undertakings. The concept assumed that each railway undertaking had the obligation to carry these standardised vehicles in its trains.

Since the ATMF UR were drafted in the 1990s, the railways' rules and practices have been subject to significant changes in many Contracting States. These changes include:

- Business-driven and competing railway undertakings, which no longer have the obligation to carry vehicles, but work on the basis of commercial contracts;
- Migration from operations based on centrally imposed operational rules to a more risk-based approach, in which each railway undertaking must establish and apply its safety management system;
- Freedom of design of vehicles, resulting in not all vehicles being able to be coupled together or used in every train, as their vehicle interfaces or characteristics may vary;
- The safety management system of railway undertakings may be incompatible with the transport of certain goods or vehicle types;
- Newly defined responsibilities for vehicle maintenance incumbent on entities in charge of maintenance (ECMs);
- Gradual creation of a single European railway area among the EU Member States, by introducing four consecutive EU railway legislation packages, including regulatory alignment by several non-EU Contracting States that are close to the EU.

There have been subsequent modifications of the AMTF UR over time, either to initiate these changes in COTIF or respond to them. All modifications to the ATMF UR to date are summarised in the table below in chronological order of their adoption (corrections are not mentioned):

Decisions by OTIF organ and the date of the decision	Entry into force	Short description
COTIF as modified by the Modification Protocol of 3 June 1999 (Vilnius Protocol) - First version of the ATMF UR	1.7.2006	Full revision of the Convention, including the introduction of the ATMF UR (and the APTU UR).
24 th session of the Revision Committee (23-25.6.2009) and the 9 th session of the General Assembly (Berne, 9-10.9.2009) - New consolidated version	1.12.2010	Alignment of the ATMF UR (and the APTU UR) with the provisions of the European Union, allowing EU Member States to revoke their reservations concerning the non-application of the APTU and ATMF UR and to facilitate the accession of the EU to COTIF.
25 th session of the Revision Committee (25-26.6.2014) - Modifications	1.7.2015	Revision of the ATMF UR with regard to tasks and responsibilities for the use of vehicles, in particular those of railway undertakings. Main changes included the addition of a new Article

		15a and modifications to Articles 2, 3a to 8, and 10 to 20. The term “other railway material” was removed, as its meaning was unclear and there were no requirements associated with it.
12 th session of the General Assembly (29-30.9.2015) - Modifications	Pending	Modification of Articles 1 and 3 of the ATMF UR by removing the term “other railway material”, as the term was also removed from the rest of the text by the 25 th Revision Committee. No substantive changes.
26 th session of the Revision Committee (27-28.2.2018) - Modifications	1.3.2019	Revision of the ATMF UR (and the APTU UR) to ensure continued compatibility with the EU’s 4 th railway package, including the introduction of the concept area of use. In particular by modifying Articles 2, 3a, 5, 6, 7, 10, 10b, 11 and 13.
13 th session of the General Assembly (25-26.9.2018) - Modifications	Pending	Modification of Articles 1, 3 and 9 of the ATMF UR by changing the term “railway vehicle” to “vehicle”, in line with changes brought about to other articles by the 26 th Revision Committee. No substantive changes.
Decision of the Revision Committee by written procedure (28.10.2022) - Modifications	1.11.2023	Revision of the ATMF UR to modify provisions related to entities in charge of maintenance (ECMs). In particular by modifying Article 3a § 5 and Article 15.

It is worth noting that the modifications adopted at the 12th and 13th sessions of the General Assembly have not yet entered into force because the conditions for entry into force have not yet been met. See chapter 3 of this document on applicable procedures for more details.

2. REASONS FOR MODIFYING THE ATMF UR

All modifications listed in the table above were based on the original texts adopted in 1999. The aggregation of modifications resulted in some complexities and redundancies in the current texts. Examples include:

- Ambiguity of the original term “free circulation” in Article 6 § 3 in relation to the concept “area of use” that was added later and used in several articles.
- The terms “admission to operation” and “certificate of operation” both refer to the permission granted to use a vehicle and their meanings partly overlap, which makes texts more complex.
- Repetitive listing of rules applicable to vehicles (Art. 3 § 2, Art. 7 §§ 1 and 3, Art. 10a § 2).
- References to RID in the vehicle requirements, which may be unnecessary as RID applies within its own scope, irrespective of the ATMF UR.
- Repetitive listing of the conditions that limit the area of use of a vehicle (Art. 3a §§ 1 and 2, Art. 6 §§ 3 and 4).
- The content and format of the design type certificate and the certificate of operation are not closely aligned with EU rules.
- Not all articles are in logical sequence or clustered according to the subject matter and some articles overlap with regard to their subject matter (e.g. Articles 6, 10 and 11 all (partly) cover admission of vehicles and the issuing and validity of certificates).

Following experience with the application of the ATMF UR, the Secretariat is of the view that the rules could be simplified to improve their overall readability and conciseness, and could be adapted to current practices and needs. However, the basic concept of the provisions should not be changed. In addition, retroactive compatibility should always be ensured, meaning that the validity of a vehicle admission issued in accordance with any past or future versions of the ATMF UR should have the same effect. Furthermore, compatibility with EU rules should be maintained. Furthermore, provisions could possibly be clustered according to subject matter in the form of Titles or Chapters within the ATMF UR, an editorial practice already used in other COTIF Appendices (e.g. CIM UR, CIV UR).

3. APPLICABLE PROCEDURES

The Revision Committee is competent to modify/revise the ATMF UR, except Articles 1, 3 and 9, which are in the competence of the General Assembly. This is governed by Article 33 of COTIF.

These separate competences should be carefully considered before making proposals for modifications. This is because the rules governing the entry into force of modifications adopted by the Revision Committee are very different from the related modifications adopted by the General Assembly, as explained below.

Modifications decided by the Revision Committee are notified to the Member States by the Secretary General. Member States may formulate an objection to a modification adopted by the Revision Committee within four months from the moment of notification. If at least one-quarter of the Member States object, the modification will not enter into force. Otherwise, the modification will enter into force on the first day of the twelfth month following notification. This is governed by Article 35 of COTIF.

Modifications adopted by the General Assembly are also notified to Member States by the Secretary General. However, a modification will only enter into force after a specified number of all Member States has formally¹ approved the modification. This number is one-half of all Member States for modifications to the Appendices and two-thirds for modifications to the base Convention. A modification enters into force twelve months after the Secretary General notifies the Member States that the required threshold has been reached. This is governed by Article 34 of COTIF. The period of time required to obtain the required number of approvals is unpredictable and experience has shown that it usually takes many years.

At its 13th session (25-26.9.2018), the General Assembly adopted² modifications to COTIF (including modifications to Article 34 §§ 3 to 6 and Article 35 § 4 of COTIF) that will result in a new, simplified procedure for modifications to Appendices adopted by the General Assembly. This new procedure will no longer require the subsequent approval of one-half of Member States after a decision has been taken by the General Assembly. According to the new procedure, modifications to Appendices adopted by the General Assembly enter into force for all Member States thirty-six months after their notification by the Secretary General, with the exception of those which, before entry into force, have made a declaration in terms that they do not approve such modifications. If at least one-quarter of Member States object, the modification will not enter into force.

This new procedure still has to be approved in accordance with the current procedure, meaning that two-thirds of all Member States must formally approve the modifications to COTIF adopted by the 13th General Assembly. This has not yet happened.

In accordance with Article 34 § 2 of COTIF, the modifications to the Convention adopted by the 13th General Assembly will only enter into force twelve months after they have been approved by two thirds of the Member States. In view of the OTIF membership as at 24 January 2024, the threshold of

¹ By the Head of State, Head of Government, or Minister of foreign affairs. See Guidelines on treaty acts under COTIF: https://otif.org/fileadmin/new/3-Reference-Text/3A-COTIF99/Guidelines_on_treaty_acts_under_COTIF_RGB.pdf

² See final document of the 13th General Assembly: <https://otif.org/fileadmin/new/2-Activities/2A-General-Assembly/2AbFinalDocument/SG-18088-AG13-e-final-document-Add.pdf>

two thirds means 32 Member States. As of 24 January 2024, 11 Member States had approved the modifications.

4. PROPOSED WAY FORWARD

If the Committee of Technical Experts sees merit in revising the ATMF UR, there are two possible approaches:

1. Partially revise the ATMF UR by a decision of the Revision Committee; this may concern all articles, except Articles 1, 3 and 9.
2. Fully revise the ATMF UR, including Articles 1, 3 and 9, by adopting a new consolidated version that will replace the current version. This approach would require a decision by the General Assembly.

In the Secretariat's view, only the second approach (full revision), can achieve the objectives of simplification and conciseness. This would require a decision by the General Assembly. In light of the changing procedure for decisions taken by the General Assembly as explained in this document, the Secretariat is of the view that proposals to modify the ATMF UR should be made only once the new procedure applies. A decision to modify the ATMF UR under the current procedure will lead to an ambiguous situation and may result in the revised ATMF UR entering into force later than if the decision is taken under the new procedure.

It will take a considerable amount of time until this new procedure becomes applicable. Nevertheless, in the meantime the CTE could start drafting and discussing revised provisions.

PROPOSALS FOR DECISION

- The Committee of Technical Experts takes note of the information in document TECH-24012-CTE16-6.4 concerning a possible future revision of the ATMF UR.
- The Committee of Technical Experts is of the view that revision of the ATMF UR should be considered in order to simplify the rules and make them more consistent and precise. It must be ensured that any modifications continue to maintain compatibility with European Union legislation and ensure retroactive compatibility, meaning that the value and validity of vehicle admissions issued in accordance with the current or a future version of the ATMF UR, should remain unchanged.
- The Committee of Technical Experts is of the view that the objectives of revising the ATMF UR can be achieved only by a full revision, in the form of a new consolidated version. A decision to this effect is in the competence of the General Assembly.
- The Committee of Technical Experts is of the view that a decision to revise the ATMF UR should be proposed to the General Assembly only once the modifications to COTIF adopted by the General Assembly at its 13th session (25-26.9.2018), covering, inter alia, modifications to Article 34 §§ 3 to 6 and Article 35 § 4 of the Convention, have entered into force.
- The Committee of Technical Experts requests WG Tech to draft texts for a possible future modification of the ATMF UR on the basis of working documents to be prepared by the Secretariat. In view of the fact that the modifications adopted by the General Assembly at its 13th session may not enter into force for a considerable time, drafting modifications to the ATMF UR should not currently be accorded high priority for WG Tech.